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SUFFOLK COUNTY CLERK
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RECORDING PAGE

Type of Instrument: JUDGMENT OF FORECLOS
Recorded: 1/8/2019
Index Number: 10 14875 Sequence Number: 104
Plaintiff(s) :

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BAYVIEW LOAN SERVICING, LLC

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Defendant(s) :

KALPAKIS, BETTE; LONG ISLAND SAVINGS BANK OF CENTEREACH, FSB; ET AL

Attorney(s) :

TAX_MAP_NO:

Liber Page(s):

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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At a CCP PART of the Supreme Court of the State of New York, held in and for the County of Suffolk at the Courthouse thereof, Supreme Court Building, 1 Court Street, Riverhead, New York on the 10th day of DECEMBER, 2018.

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PRESENT:

Honorable HON. PAUL J. BAISLEY, JR.,

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Justice

MOTION/CROSS/OSC
FEE PAID
Judith A. Pascale
Suffolk County Clerk

SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

BAYVIEW LOAN SERVICING

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Index No: 14875/10

Plaintiff.

-against-

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JUDGMENT OF FORECLOSURE AND SALE

BETTE KALPAKIS, THE LONG ISLAND SAVINGS BANK OF CENTEREACH, FSB,

ENTERED: JAN 08 2019
AT: 9:57 pm

Defendant.

Mortgaged Premises:
34 Shady Lane
Greenlawn , New York 11704

----------X

Pending
2

Upon the summons and complaint filed herein on April 23, 2010 and notice of pendency of action previously filed herein on April 23, 2010 and May 2, 2011 and on June 15, 2016, and on the attorney's statement of Jennifer L. Hernandez-Weiss Esq., dated July 20, 2017, demonstrating that all of the defendants have been duly served with the summons and complaint herein and the affidavits of service of the defendant previously filed herein, and upon the Order entered herein on February 7, 2018 appointing Lynn Poster-Zimmerman, Esq., as referee to ascertain and compute the amount due to the plaintiff pursuant to the note and mortgage and to protect the lien of said mortgage, and to examine and report whether the mortgage premises can be sold in parcels; and

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Upon reading and filing the report of the referee dated June 18, 2018 from which report it appears that the sum of $618,824.58 was due to plaintiff, as of April 30, 2018, on the note and mortgage described in the complaint, and that the mortgaged premises should be sold in one parcel; and

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Upon reading and filing the affidavit of regularity of Deana Cheli, Esq. sworn to on August 9, 2018, demonstrating that all of the defendants have been duly served with the summons and complaint herein and the affidavits of service of the defendant previously filed herein, from which it appears that this action was brought to foreclose a mortgage on certain real property situated in the County of Suffolk and State of New York more commonly known as 34 Shady Lane, Greenlawn , New York 11704 and that the whole amount secured by said mortgage is due and payable as computed in the aforesaid Referee's report, and that all of the defendants herein have been duly served with the summons and complaint, and upon the entry of default judgment on plaintiff's foreclosure complaint against the defendants, and that none of the defendants is an infant, incompetent or absentee,

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"Sale" is herein defined as the foreclosure auction date.

PSB
JSC

unopposed

NOW, on motion of McCabe, Weisberg & Conway, LLC, attorneys for the plaintiff, it is

ORDERED, ADJUDGED and DECREED, that the report of the Referee, Lynn Poster-Zimmerman, Esq., dated June 18, 2018, by and the same is hereby in all respects ratified and confirmed; and it is further

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ORDERED, ADJUDGED and DECREED, that plaintiff is entitled to judgment establishing the validity of said mortgage and that the plaintiff if entitled to recover upon said mortgage herein the sum of $69,944.55, with interest thereon from Tuesday, May 1, 2018 to date of the closing of title of the referee's sale of the mortgaged premises, and also any amount paid by plaintiff for local realty taxes, water charges and assessments, hazard and F.H.A. Insurance, and the preservation or protection of the property; and it further

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ORDERED, ADJUDGED and DECREED, that said premises affected by said mortgage set forth in the complaint herein and hereinafter set forth, constituting one parcel to be sold in one parcel at public auction, at HUNTINGTON TOWN HALL 100 MAIN STREET HUNTINGTON, NY 11743, under the direction of Lynn Poster-Zimmerman, Referee, and that said Referee give public notice of the time and place of sale according to law and the rules and practice of this Court by publishing the notice of sale in the LONG ISLANDER and that plaintiff on such sale, or any other party to this action, may become purchaser, the payment of all taxes, transfer fees and costs, including New York State and local Transfer taxes and the cost of the deed stamps to be attached to the Referee's Deed shall be paid by the Purchaser. Any and all maintenance fees and assessments, taxes, water rates, and any fees associated with the transfer of title for the subject premises accrued from the Sale date forward are the obligation of the purchaser; and that said Referee shall sell and convey said premises subject to the following:

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1,2,3. Any state of fact which would be shown by an accurate survey, covenants, restrictions, easements, agreements and reservations, if any, or record , and to any violations thereof, building and zoning regulations, restrictions and ordinances of the municipality in which said premises are situated, and any violations of the same provided they do not render title marketable; and

4. Orders or requirements issued by any governmental body having jurisdiction against or affecting said premises; and

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5. The Right, if any, of the United States of America to redeem the premises; and

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6. The physical condition of said building or structure on the premises as of the date of sale hereunder; and

7. Any prior outstanding mortgages or liens that may exist on the subject premises.

ORDERED, ADJUDGED AND DECREED, that the referee deposit the

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proceeds of sale as referee in any of the following banks: Capital one, Suffolk County National Bank; Bank of Smithtown; State Bank of Long Island or First National Bank of Long Island and pay:

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First: He shall pay a sum not exceeding $500.00 for said Referee's fees as provided in Section 8003 (b) of the Civil Practice Law and Rules.

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Second: He shall pay all local realty taxes, water rates and assessments which are or shall become liens on said premises to the date of sale, and redeem any such liens that may be sold.

Third: He shall pay the advertising and posting expenses shown by the bills presented and certified by said Referee to be corrected.

Fourth: He shall pay to the plaintiff or plaintiff's attorney the sum of $ 2,000.00 SSC C.TO COPIES _____ adjudged to plaintiff for the costs and disbursements of this action, to be taxed and asserted by the Clerk of the Court and an additional allowance of $ 300.00 $300 awarded to plaintiff or plaintiff's attorney, in addition to costs with interest thereon, and an amount of $ 2,450.00 to plaintiff's attorneys for reasonable attorneys' fees as provided in the note and mortgage, and also the sum of the amount reported due as aforesaid, together with interest thereon from to the date of the closing of title of the referee's sale of the

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mortgaged premises, and also any amounts paid by plaintiff for any hazard and F.H.A. Insurance, or the preservation of the property and, unless the premises are sold thereto, any payments necessary to satisfy prior local realty taxes, water and other municipal charges and assessments, and that he take a receipt or affidavit thereof and file it with his report of sale.

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Fifth: He shall, within five days after the same shall be received and be ascertainable, place on deposit with the ~~Clerk~~ Comptroller of the County of the surplus money, if any, to the credit of this action, to be withdrawn only on an order of this Court signed by a Justice of this Court;

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ORDERED, ADJUDGED and DECREED, that said Referee make a report of sale and file it with the Clerk of the County of Suffolk within 30 days of completing the sale and executing the proper conveyance to the purchasers; and that the purchaser or purchasers at such sale be forthwith let into possession on production of the Referee's Deed, and that if the proceeds of sale be insufficient to pay the amount that are reported due to plaintiff with the expenses of the aforesaid sale, interest, costs, allowances and local realty taxes, water charges and assessments and interest as aforesaid, the said Referee shall specify the amounts of such deficiencies in his report of sale, and that plaintiff may apply to the Court for such deficiency judgment against defendants Bette Kalpakis upon notice, and also upon complying with Section 1371 of the Real Property Action and Proceedings Law; and it is further

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ORDERED, ADJUDGED and DECREED, that in case the plaintiff shall become the purchaser of the Premises directed to be sold at an amount equal to or less than the amount due under this judgment with costs, allowance and expenses, the payment by the plaintiff to said Referee of the sum bid by it for said Premises or any part thereof, is hereby dispensed

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with, and that the plaintiff shall be given due credit and allowance by said Referee for the amount due, and that plaintiff before the delivery of the deed to it, shall pay the fee of the Referee and the expenses of sale, costs and allowance, all as provided for above, and all local realty taxes, assessments and water rents which may be a lien upon said Premises at the time of such sale, unless the Premises are sold subject thereto; and it further

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ORDERED, ADJUDGED and DECREED, that each and all of the defendants in this action, and also all persons claiming under them or any of them, after the filing of a notice of pendency of action, be and same hereby are forever barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in said premises and every part thereof, except nothing herein shall bar any right of the United States of America to redeem as provided in Title 28 of the United States Code, Section 2410; and it further

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ORDERED, ADJUDGED and DECREED, that in the event that the plaintiff shall elect to accept a purchase money mortgage from any purchaser or purchasers at such sale, the amount thereof shall be credited against the amount due the plaintiff under this judgment, and that the purchaser, or purchasers, shall not be required to pay the same in cash, but shall be credited upon its bid with such amount, and that the Referee take plaintiff's receipt for such amount and file it with his report of sale.

ORDERED, ADJUDGED AND DECREED, that to ensure that the Foreclosure Action Surplus Monies Form was timely filed and any surplus funds appropriately deposited, a conference will be scheduled within 90 days from the date of this Order. If the form has been timely filed with this Court and the Clerk's Office, a conference will not be scheduled; and it is further

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PRIME TITLE SEARCH, LLC

Title No. PT[redacted] (File No. [redacted])

SCHEDULE A
DESCRIPTION

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District 0400, Section 157.00, Block 02.00 and Lot 054.000

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk and State of New York, known and designated on a certain map entitled "Map of Bungalow Sites, Section 4, situate at Greenlawn, Town of Huntington, Suffolk County, New York, belong to Fred H. Koster", and filed in the Office of the Clerk of the County of Suffolk on the 7th day of July 1927 Map No. ~~383~~ 436, being Lots Numbered 41, 42, 43, 44 and 45 and is more particularly bounded and described as follows:

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BEGINNING at a point on the Easterly side of Shady Lane, distant 800 feet Northerly from the corner formed by the intersection of the Easterly side of Shady Lane with the Northerly side of Little Plains Road (New Plains Road); and

RUNNING THENCE North 17 degrees 0? minutes East, along the Easterly side of Shady Lane 100 feet;

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THENCE South 72 degrees 54 minutes East, 119.55 feet;

THENCE South 17 degrees 06 minutes West, 100 feet;

THENCE North 72 degrees 54 minutes West, 119.55 feet to the Easterly side of Shady Lane at the point or place of BEGINNING.

Premises known as 34 Shady Lane, Greenlawn, New York

SCHEDULE A

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ORDERED, ADJUDGED and DECREED, that by accepting this appointment the referee certifies that he is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36, including, but not limited to, section 36.2(c) ("Disqualifications from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation").

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THAT a particular description of said premises described in said mortgage and to be sold by said referee is as follows: See Schedule A - Description attached hereto.

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ENTER

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J.S.C. HON. PAUL J. BAISLEY, JR.

12/10/18

GRANTED

DEC 10 2018

JUDITH A. PASCALE
Clerk of Suffolk County

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FILED

2019 JAN -8 PM 2:57

JUDITH A. PASCALE
SUFFOLK COUNTY CLERK

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FOR

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INFORMATION

ONLY FROM THIS

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SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

BAYVIEW LOAN SERVICING, Index No: 14875/10

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Plaintiff.

COSTS OF PLAINTIFF

-against-

BETTE KALPAKIS,
THE LONG ISLAND SAVINGS BANK OF
CENTEREACH, FSB

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Defendant

----------X

COSTS		DISBURSEMENTS	
Costs before note of issue		Fee for Index Number *CPLR §8018(a)*	$435.00
S&C, LP Fee	$200.00	*Clerk's fee for filing notice of pend. or attach*	
CPLR §8201 subd.1		*CPLR §8[illegible]021(A)12*	
Allowance by statute			
CPLR §8302(a)(b)			
Title Fee)			
Percentage on $200.00 at 10%	$20.00	*Paid for Searches CPLR §8301(a)10*	$445.00
(not exceeding $200.00)			
Svc Fee)	$40.00	*Serving copy of summons & complaint*	$285.88
Additional $800.00 at 5%		*CPLR §8011(c)1 §8301(d)*	
(not exceeding $800.00)			
Additional $2000.00 at 2%	$40.00	Request for Judicial Intervention	$95.00
Ref Fee)			
(Not exceeding $2000.00)			
Additional $5000.00 at 1%	$50.00	*Paid Referee's Report CPLR §8301(a)12*	$250.00
(not exceeding	$50.00	Motion Costs	$90.00
$5,000.00)			
Allowance by statute			
CPLR §8302(d)			
COSTS	$400.00		$1,600.88
Total)			
DISBURSEMENTS	$1,600.88		
TOTAL	$2,000.88		

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STATE OF NEW YORK, COUNTY OF NEW YORK SS. *ATTORNEY'S AFFIRMATION*

COST TAXED AT $2,000.88
TIME _____ DAY OF _____
JAN - 8 2019
JUDITH A. PASCALE
CLERK OF SUFFOLK COUNTY

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FILED

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